

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SERGIO ALEJANDRO
VALLESCILLO FLORES,

Defendant.

CR 20-22-BU-DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto's Findings and Recommendation Concerning Plea. (Doc. 28.) Because neither party has filed any objections, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews Judge DeSoto's findings and recommendations for clear error. *McDonnel Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that this Court adjudge Defendant Sergio Alejandro Vallescillo Flores guilty of the sole count of the Indictment (Doc. 11), illegal re-entry in violation of 8 U.S.C. §§ 1326(a), (b)(2), after he appeared before

her pursuant to Rule 11 of the Federal Rules of Criminal Procedure. (Doc. 28 at 2.) The Court finds no clear error in Judge DeSoto's Findings and Recommendation and will adopt it in full. (*Id.*) As is the Court's practice, any decision regarding acceptance of a plea agreement will be deferred until sentencing.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 28) is ADOPTED in full.

IT IS FURTHER ORDERED that Sergio Alejandro Vallescillo Flores' motion to change plea (Doc. 21) is GRANTED.

IT IS FURTHER ORDERED that Sergio Alejandro Vallescillo Flores is adjudged guilty as to the sole count of the Indictment (Doc. 11).

DATED this 4th day of December, 2020.



Dana L. Christensen, District Judge
United States District Court